IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/017,469
Filing Date .... December 14, 2001
Inventorship ....Nirkhe
5   Assignee.. Microsoft Corporation
Group Art Unit..2151
Examiner .... K.Q. Dinh
Attorney's Docket No. MS1-0928US
Title: User Name Mapping

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APPELLANT'S OPENING APPEAL BRIEF

W.R.T. NOTICE OF APPEAL AND REQUEST FOR PRE-APPEAL BRIEF

CONFERENCE FILED NOVEMBER 28, 2005

15   TO FINAL OFFICE ACTION OF AUGUST 26, 2005

To: Honorable Commissioner of Patents
         P.O. Box 1450
         Alexandria, VA 22313-1450

20

From: Brian J. Pangrle
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Pursuant to 37 C.F.R. §41.37, Appellant hereby submits an opening

appeal brief for application 10/017,469, filed December 14, 2001, within three

months of the requisite time from the November 28, 2005 filing of the Notice of

30   Appeal and Request for a Pre-Appeal Brief Conference. The appropriate forms

accompany this Brief for payment of any fees (e.g., for a one-month extension).

A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on

December 12, 2005 and indicated that Appellant should proceed to filing an

opening brief with the Board for Patent Appeals and Interferences.

Accordingly, Appellant appeals to the Board of Patent Appeals and

5   Interferences seeking review of the grounds of rejection in the Final Office

Action of August 26, 2005.

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1.   Real Party in Interest

The real party in interest is Microsoft Corporation, the assignee of all

right, title and interest in and to the subject invention.

5   2.   Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial

proceedings that will directly affect, be directly affected by, or otherwise have a

bearing on the Board's decision to this pending appeal.

10   3.   Status of Claims

Claims 1-44 are rejected. The rejections of Claims 1-44 are appealed.

The history of the claims is as follows:

a.   Claims 1-44 were originally filed.

b.   In an Office Action mailed February 11, 2005, all claims (1-44)

15   were rejected as being anticipated by Gudjonsson et al. (USPN 6,564,261)

under §102(e).

c.   An Examiner Interview was held on June 13, 2005.

d.   An Office Action Response was filed on June 13, 2005 where

Applicant amended claims 1, 8, 9, 24, 26, 37, 39 and 43.

20   e.   An Interview Summary was mailed on July 7, 2005.

f.   In a Final Office Action mailed August 26, 2005, all forty-four

claims (1-44) were rejected as being anticipated by Gudjonsson et al. (USPN

6,564,261) under §102(e).

g.   Appellant filed a Notice of Appeal and a Request for a Pre-Appeal

5   Brief Conference on November 28, 2005.

h.   A Notice of Panel Decision from Pre-Appeal Brief Review was

mailed on December 12, 2005. Per check boxes, without any specific written

comment, this decision indicated that Appellant should proceed to Board of

Patent Appeals and Interferences and that claims 1-44 are rejected.

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4.   Status of Amendments

Applicant believes that all amendments have been entered. In particular,

Applicant believes that the amendments submitted in the Office Action

Response filed on June 13, 2005 have been entered for claims 1, 8, 9, 24, 26,

15   37, 39 and 43.

5.   Summary of Claimed Subject Matter

As set forth in Appellant's Response to the First Office Action:

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The instant application pertains to heterogeneous networks. A particular
example considers a scenario where a user may have more than one
user name in such heterogeneous networks. For example, a user may
have a user name for a network that relies on a WINDOWS® OS and a
different user name for a network that relies on a UNIX OS. Table 1 at
page 20 of the instant application gives two examples: a user with a user
name JohnDoe for a WINDOWS® OS network and a user name Johnd
for a UNIX OS network and a user with a user name Maryjane for a

WINDOWS® OS network and Maryj for a UNIX OS network. This is just one issue that may arise in a heterogeneous network.

Response of 6/13/05 at pages 12 and 13.

5   Independent claims 1, 11, 13, 24, 26, 37, 39, 41 and 43 are directed to subject matter where a user may have more than one user name in such heterogeneous networks. Claims that depend on claim 1 further recite "wherein the mappings includes using a map on a mapping server" (claim 8); "wherein

10   the mappings includes using remote procedure calls" (claim 9); and "wherein the remote procedure calls comprise at least one remote procedure call selected from the group consisting of getting credentials, authenticating using credentials, checking map status, and dumping maps remote procedure calls" (claim 10). Claims that depend on independent claim 13 (claims 21, 22 and 23)

15   recite similar subject matter. Claims that depend on independent claim 26 (claims 34, 35 and 36) recite similar subject matter.

Independent claim 39 recites, in part, "mapping the user name associated with the user in the second network to a user identification number associated with the user in the second network, wherein the mapping includes

20   using a map on a mapping server and the mapping server maintains a default map, a simple map and/or explicit maps that provide override". Claim 40, which depends on claim 39, recites "wherein the mapping server further comprises algorithms for unmapping users, mapping multiple users and/or group mapping". Claims 40 and 42 recite similar mapping subject matter together with

25   authenticating a user. Claims 43 and 44 are also directed to mapping.

(6)   Grounds of Rejection to be Reviewed on Appeal

Appellant respectfully requests that the Board review the grounds, as

stated by the Examiner, for rejection of all forty-four claims (1-44) in the instant

5   application as being anticipated by Gudjonsson et al. (USPN 6,564,261) under

§102(e), referred to herein as the Gudjonsson reference.

The primary issue in dispute is whether the Gudjonsson reference

discloses "the user" of the claims; the Examiner asserts that the Gudjonsson

reference discloses "the user" of the claims and thus anticipates the subject

10   matter of all forty-four claims (1-44). Appellant disagrees because the evidence

does not support this finding. Appellant requests a decision on this issue. In

particular, Appellant requests review of the grounds of rejection, based on

specific evidence and argument supplied by the Examiner, which are of record

in the First Office Action (2/11/05) and the Final Office Action (8/26/05).

15   Secondary issues pertain to whether the Gudjonsson reference discloses

the subject matter of the dependent claims, for example, specifics of mapping.

Appellant requests a decision on these secondary issues as well.

(7)   Argument

20   *Preliminary Comments*

The Interview Summary of July 7, 2005 (pertaining to the interview of

June 13, 2005) states:

> Discussing about the term "user" in claim 1. Applicant agrees to
> amend the language of the claim (using the same user) to
> overcome the prior art (US pat. no. 6,564,261). Examiner will
> update and response in the next Office Action.

5

The Response filed the same day as the interview (June 13, 2005)

states:

> For purposes of clarity, various independent claims are currently
> amended to indicate that the user in the first and second networks
> of the heterogeneous network is the <u>same</u> user. This was inferred
> in the original claims, however, *the Examiner suggested*
> *explicitly reciting that the user is the same user in the first*
> *and second networks of the heterogeneous network.*

10

15   Response of 06/13/05 at page 12 (underline in original, emphasis added in bold
italics).

While Appellant made such amendments, as suggested by the

Examiner, there was no change in the grounds for rejection of all forty-four

20   claims (see Final Office Action of 8/26/05).

Standards

All claims are rejected under 35 U.S.C. §102(e). According to MPEP

§2131 "a claim is anticipated only if each and every element as set forth in the

25   claim is found, either expressly or inherently described, in a single prior art

reference".

The examiner has the initial burden of establishing a prima facie case of

anticipation by pointing out where all of the claim limitations appear in a single

reference. See In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed.

Cir. 1990); In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-39 (Fed. Cir.

1986). In order for a claimed invention to be anticipated under 35 U.S.C. § 102,

all of the elements of the claim must be found in one reference. See Scripps

Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 USPQ2d

5   1001, 1010 (Fed. Cir. 1991).

A reference must enable one of skill in the art to make the anticipating

subject matter. Scripps Clinic & Research Fdn., 927 F.2d at 1576. If a cited

reference is not enabling of anticipating subject matter, that subject matter

cannot be used as a basis for a §102 rejection.

10

Specific Errors

(a) Independent Claims. Appellant submits that the Office erred in

rejecting claims 1, 11, 13, 24, 26, 37, 39, 41 and 43 under 35 U.S.C. §102(e)

because the Gudjonsson reference does not disclose each and every element

15   set forth in the independent claims. For example, the Gudjonsson reference

does not disclose "the user" recited in these independent claims.

(b) Dependent Claims. Appellant submits that the Office erred in

rejecting all of the dependent claims under 35 U.S.C. §102(e) because the

Gudjonsson reference does not disclose each and every element set forth in

20   dependent claims. For example, the Gudjonsson reference does not disclose

"the mapping" recited in the independent claims and further subject matter

related to the mapping (e.g., remote procedure calls, etc.) of the dependent claims.

(a) Rejection of Independent Claims

5   For purposes of expediency, Appellant discusses the errors in the rejection of the independent claims by presenting claim 1 as an example. Claim 1 recites (emphasis of the single user in bold):

*A method for mapping **a user** in a heterogeneous network comprising:*

receiving on a computer in a first network a user name associated

10   *with **a user** in the first network;*

*mapping the user name to a user name associated with **the same***

***user** in a second network; and*

*mapping the user name associated with **the user** in the second*

*network to a user identification number associated with **the user** in the second*

15   *network.*

Thus, claim 1 recites a single user (e.g., "a user", "the same user", "the user"). Per claim 1: (i) a user name is associated with this user in the first network; (ii) a user name is associate with this same user in the second network; and (iii) mapping maps this user name, associated with the user in the second network, to a user identification number associated with this user in the

20   second network. Thus, there is only one user where this one user has two user names and a user identification number in a heterogeneous network. Appellant

respectfully directs the Board to the record (Response of 6/13/05) for evidence

that Appellant discussed this particular meaning with the Office.

To properly reject claim 1 as being anticipated, the Gudjonsson

reference must disclose this user, i.e., a user that has two user names and a

5   user identification number in a heterogeneous network. Again, Appellant

maintains that the Gudjonsson reference does not disclose such a user.

Stated Grounds for Rejection of Claim 1

In the Final Office Action (8/26/05), the Office stated the following

10   grounds for rejection of claim 1:

> As to claim 1, Gudjonsson discloses a method for mapping a user
> in a heterogeneous network comprising:
>   receiving on a computer in a first network a user name (each
> user 7 has a globally unique identity) associated with a user (user 7
> fig. 6) in the first network (first cluster 1), mapping the user name to
> a user name associated with the user in a second network (other
> cluster 1 fig. 6) and mapping the user name associated with the
> same user (user 7 in other cluster) in the second network (other
> cluster 1 of fig. 6) to a user identification number (user ID or UID)
> associated with the user in the second network [establishing
> sessions between the same user when moving into two clusters
> (networks), see abstract, figs. 1, 6, col. 11, line 21 to col. 12, line
> 54].

25   Office Action of 8/26/05 at pages 2-3.

The Office's argument relies on the user (item 7) disclosed in the

Gudjonsson reference. This evidence is identified and discussed below.

30

The Gudjonsson Reference: Evidence of "User 7"

The Gudjonsson reference is entitled "Distributed system to intelligently

establish sessions between anonymous users over various networks"

(emphasis added) and includes figures 1-26. Briefly, **Fig. 1** shows three

5   "person" icons where each icon is labeled "7", further, the text refers to item 7

as "a user" or "users" (see, e.g., col. 8, line 66 to col. 9, line 1, "Referring to

FIGS. 3-6, a function of the system/network is to provide the possibility for users

7 to establish arbitrary communication sessions with other users 7"); **Fig. 2**

shows two "person" icons where each icon is labeled "7"; **Fig. 3** shows two

10   "person" icons where each icon is labeled "7" and text "invitation is forwarded to

B, because he is online" and "Client A sends invitation to B"; **Fig. 4** shows two

"person" icons where each icon is labeled "7" and text "Client A sends invitation

to B"; **Fig. 5** shows text "Client A sends invitation to agent"; **Fig. 6** shows two

"person" icons where each icon is labeled "7"; **Fig. 8** shows four "person" icons

15   where each icon has a name and all names differ; **Fig. 11** shows five "iPulse

client" blocks where each block is labeled "11"; **Fig. 14** shows a block diagram

where a block labeled "151" includes the text "User #1 Desires to send User #2

an INVITE message and thus looks up User #2's identifying information on User

#1's contact list"; and **Fig. 15** shows a block diagram where a block labeled "75"

20   includes the text "Carl's client sends INVITE message to Anne".

To make this point clear, Appellant presents Fig. 3 of the Gudjonsson
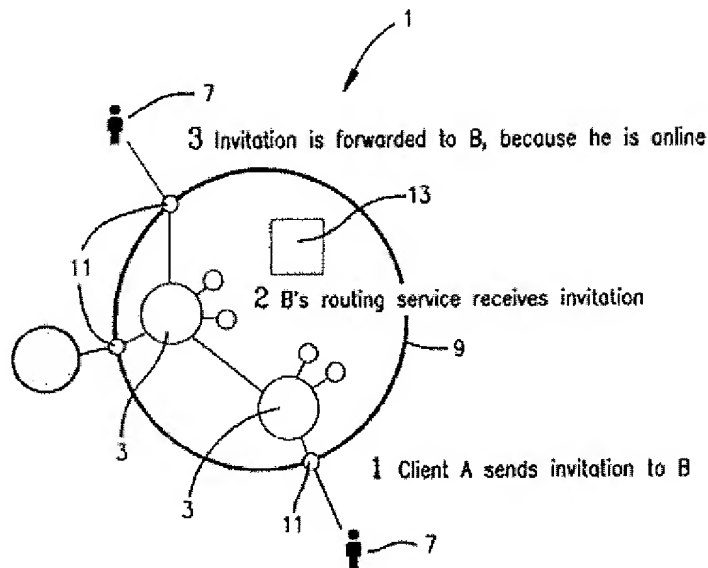
reference below:

FIG. 3

As stated in the Gudjonsson reference: "FIG. 3 is a functional diagram

illustrating how <u>a first user</u> [labeled '7'] (having a client A, such as a PC) sends

an invitation message <u>to another user</u> [labeled '7'] (having a client B, such as a

5   PC) according to an embodiment of this invention, wherein client B's routing

service forwards the invitation message to client B" (col. 4, lines 4-8, emphasis

added).

<u>Specific Evidence Relied on by the Office as Grounds for Rejection</u>

10   As discussed below, the Office relies on Fig. 6 of the Gudjonsson

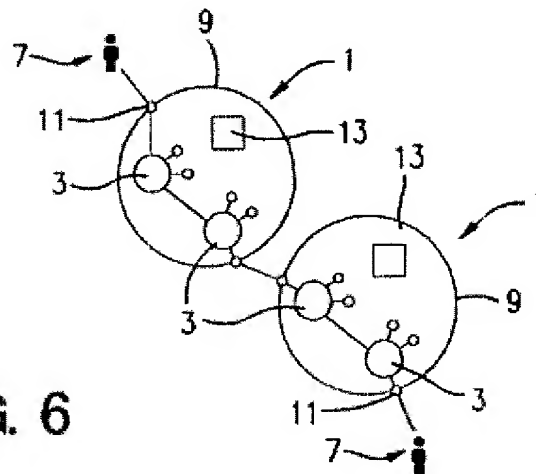reference to reject independent claim 1; Fig. 6 appears below.

FIG. 6

As stated in the Gudjonsson reference: "FIG. 6 is a functional diagram

according to an embodiment of this invention illustrating that connections

between users can be forwarded across clusters" (col. 4, lines 21-23, emphasis

5   added); and "Referring to FIG. 6, as users 7 have a globally unique identity,

connections between users can be forwarded across clusters 1 (i.e., from one

cluster 1 to another cluster 1)" (col. 11, lines 20-23, emphasis added).

Based on this evidence, item 7 is not a single specific user, but any user

or users; and there must be at least two users. Appellant submits that this

10   interpretation is in-line with the purpose of the Gudjonsson reference: "to

intelligently establish sessions between anonymous users over various

networks".

While not given as the specific grounds for rejection of all forty-four

claims, Appellant adds the Gudjonsson reference provides insufficient evidence

15   to support a finding that a "user 7" has two user names and a user identification

number in a heterogeneous network. While the Gudjonsson reference states

that "users 7 have a globally unique identity" (col. 11, line 20) and that a contact

may provide information for display, specifically a "preferred nickname and

other public information" (col. 12, lines 55-61), Appellant submits that this does

not amount to disclosure of the recited "a user name associated with a user in

5   the first network" and "a user name associated with the same user in a second

network" of claim 1.

Gudjonsson Reference: Evidence of "Mapping"

        While the Office's grounds for rejecting claim 1 do not specifically rely on

10   evidence of "mapping" in the Gudjonsson reference, the Office's rejection of

various dependent claims does rely on such evidence. Appellant asserts that

the Gudjonsson reference provides insufficient evidence to support disclosure

of the recited mapping of claim 1 or the mappings of the dependent claims (as

discussed in detail below). Appellant adds that, under the standard for

15   anticipation, if the Gudjonsson reference does not anticipate the mapping of

claim 1, then it cannot anticipate the mapping of the dependent claims.

        For ease of reference, claim 1 recites "mapping the user name to a user

name associated with the same user in a second network" and "mapping the

user name associated with the user in the second network to a user

20   identification number associated with the user in the second network".

        While the Gudjonsson reference discloses a "User mapping function"

(UMF), this is described as:

> Maps a given local user to a specific US [User Server]. Maps a user
> at another cluster to a specific ICS [Intra-Cluster Server] through
> the CID [Cluster ID] associated with the user. Monitors the status of
> the servers in the cluster. Readjusts maps when a server fails, is

5
> removed or added, and notifies other servers as needed. Load
> balances USs and ICSs.

Gudjonsson reference at col. 15, lines 48-54 (Table 1) (inserts in brackets).

These "maps" are detailed in Table 2 of the Gudjonsson reference (col.

10   16, lines 31-44). To understand better the CID (ID of the cluster associated

with a user) of this mapping description, the Gudjonsson reference states at col.

2, lines 56-60: "Users are registered within some specific cluster and given a

unique user ID. This user ID along with the ID of the cluster (CID) constitutes a

globally unique user ID (UID) <u>within the whole system</u>" (emphasis added).

15   Appellant submits that if the recited "user" of claim 1 had "a globally

unique user ID (UID) within the whole system" (i.e., within the heterogeneous

network), then there would be little need for the disclosed user name mapping

of the instant application. Based on this evidence, Appellant maintains that the

Gudjonsson reference does not disclose the mapping of the independent claims

20   (e.g., claim 1) or the mapping of the dependent claims, as discussed further

below (see section (b) "Rejection of Dependent Claims").

Appellant also respectfully refers the Board to the record, in particular, to

Appellant's Response of June 13, 2005. In this Response, Appellant presents

evidence and argument at page 13, line 16 to page 16, line 15 as to why claim

25   1 is not anticipated by the Gudjonsson reference.

Error in Specific Grounds for Rejection of Independent Claims

Appellant submits that the Office mischaracterized the evidence in the

Gudjonsson reference. In rejecting claim 1, the Examiner states that the

Gudjonsson reference discloses: "receiving on a computer in a first network a

5   user name (each user 7 has a globally unique identity) associated with a user

(user 7 fig. 6) in the first network (first cluster 1), mapping the user name to a

user name associated with the user in a second network (other cluster 1 fig. 6)

and mapping the user name associated with the same user (user 7 in other

cluster) in the second network" (emphasis added). Also note that both clusters

10   are identified with the reference numeral "1" in Fig. 6 (as both users are

identified with the reference numeral "7").

Appellant submits that this grounds for rejection is in error, at least

because "a user (user 7 fig. 6)" and the "user 7 in other cluster" are not the

same user. Indeed, to have the first "user 7" being the same as the second

15   "user 7" is counter to the stated purpose of the Gudjonsson reference, i.e., to

intelligently establish sessions between anonymous users over various

networks.

Appellant submits that this mischaracterization of the evidence (i.e.,

finding user 7 of one cluster 1 being the same user 7 in another cluster 1) led

20   the Examiner to conclude that the Gudjonsson reference discloses and hence

anticipates the subject matter of the independent claims. Such a conclusion is

counter to the purpose of the Gudjonsson reference. Consequently, Appellant

submits that the specific grounds for rejection of the independent claims are in

error.

With respect to other independent claims, Appellant makes analogy to

the above-presented arguments and respectfully refers the Board to the record;

5   in particular the 29 page Response of June 13, 2005 where Appellant identified

specific evidence and made arguments as to the other independent claims.

(b) Rejection of Dependent Claims

For purposes of expediency, Appellant discusses the errors in the

10   rejection of dependent claims that pertain to mapping by presenting claims 9

and 10 as examples. Claim 10 depends on claim 9, which depends on claim 1.

Claim 9 recites *"wherein the mappings includes using remote procedure calls"*

and claim 10 recites *"wherein the remote procedure calls comprise at least one*

remote procedure call selected from the group consisting of getting credentials,

15   *authenticating using credentials, checking map status, and dumping maps*

remote procedure calls".

In the Response to the First Office Action, Appellant provided (Response

of 6/13/05 at page 19), for purposes of clarifying the subject matter of claims 9

and 10, a segment of the instant application (page 37, lines 7-12), which states:

20   Various user information management service features discussed
             herein use remote procedure calls (RPCs). In general, a RPC is a
             protocol that a program can use to request a service from another
             program located in another computer in a network without having to
             understand network details. RPC typically uses a client/server

model wherein a requesting program is a client and a service-
providing program is a server.

Thus, at an early point in the prosecution, Appellant clarified the meaning of the

5   term "remote procedure call" as used in the claims.

Stated Grounds for Rejection of Claims 9 and 10

In the Final Office Action (8/26/05), the Office stated the following

grounds for rejection of claims 9 and 10:

10   As to claims 7-9, Gudjonsson discloses a client (user 7 fig. 6), a
           map on a mapping server (fig. 11) and mapping including using
           remote procedure calls (see fig. 11, col. 15 lines 13-64 and col. 16
           lines 7-67).

15   As to claim 10, Gudjonsson discloses the remote procedure calls
           comprise at least one remote procedure call selected from the
           group consisting of getting credentials, authenticating using
           credentials, checking map status and dumping maps remote
           procedure calls (see fig. 11, col. 15 lines 13-64, col. 16 lines 7-67
20   and col. 18 lines 15-67).

Office Action of 8/26/05 at page 3.

The Office's argument relies on the "user mapping function" (UMF)

25   disclosed in the Gudjonsson reference. This evidence has been identified and

discussed above under the heading "The Gudjonsson Reference: Evidence of

'Mapping'".

Further, the Office's argument relies on various portions of the

Gudjonsson reference for evidence of "remote procedure calls". Appellant has

30   searched the Gudjonsson reference for "procedure", "RPC" and "remote call".

The term "procedure" appears only in the description of Figs. 19-23 of the

Gudjonsson reference; the term "RPC" does not appear in the Gudjonsson

reference' and the term "remote call" does not appear in the Gudjonsson

reference.

5

Error in Grounds for Rejection of Dependent Claims

Appellant submits that the Office mischaracterized the evidence in the

Gudjonsson reference. In rejecting claims 9 and 10, the Examiner states that

the Gudjonsson reference discloses: "mapping including using remote

10   procedure calls". However, in the Response to the First Office Action, Appellant

stated: "Applicant fails to find any mapping in the Gudjonsson reference that

relies on remote procedure calls" (Response of 6/13/05 at page 13). Again,

Appellant has searched the Gudjonsson reference and failed to find any

mapping that relies on remote procedure calls. Appellant can only conclude

15   that Gudjonsson reference does not disclose the subject matter of claims 9 and

10 and consequently that claims 9 and 10 are not anticipated by the

Gudjonsson reference.

With respect to other dependent claims, Appellant makes analogy to the

above-presented arguments and respectfully refers the Board to the record; in

20   particular the 29 page Response of June 13, 2005 where Appellant identified

specific evidence and made arguments as to the dependent claims.

Conclusion of Arguments

Appellant respectfully submits that the evidence of record and arguments

based on this evidence show that the Office erred in rejecting the claims. In

particular, specific grounds for rejection have been identified and discussed to

5   show that the claims are not anticipated by the Gudjonsson reference.

Appellant respectfully requests that the Board reverse the Examiner's rejection

for the specific grounds identified herein. Should any issue remain that

prevents furtherance of this Appeal, the Board or Office is encouraged to

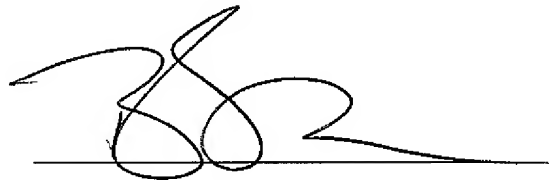contact the undersigned attorney to discuss the unresolved issue.

10

Respectfully Submitted,

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Dated: _2-28-06_   _____

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